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THE ANDHRA PRADESH GAZETTE

PUBLISHED BY AUTHORITY

RULES SUPPLEMENT TO PART I EXTRAORDINARY

No.3 AMARAVATI, MONDAY , APRIL 3, 2017 **G.5**

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MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT DEPARTMENT (UBS)

THE ANDHRA PRADESH STREET VENDORS (PROTECTION OF LIVELIHOOD AND REGULATION OF STREET VENDING) RULES, 2017.

[G.O.Ms.No.137, Municipal Administration and Urban Development (UBS), 31st March, 2017.]

NOTIFICATION

In exercise of the powers conferred by Section 36 read with clause (a) of Section 2 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act No. 7 of 2014), the Government of Andhra Pradesh hereby make the following Rules.

RULES

1. **Short title and Commencement**

   (i) These Rules may be called **the Andhra Pradesh Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules - 2017.**

   (ii) It shall come into force from the date of publication of the Notification in the Official Gazette.

2. **Definitions -**

   (1) In these rules, unless the context otherwise requires :-

   (a) "Act" means the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act 7 of 2014) ;

   (b) "Appropriate Government" of Andhra Pradesh ;

   (c) "Bye-laws" means the Bye-laws made under Section 37 of the Act ;

(d) "Chief Executive Officer" means officer in charge of concerned Municipality or Nagar Panchayat or Cantonment Board in the State as case may be;

(e) "festive market" means a market where sellers and buyers have traditionally congregated for the sale and purchase of products or services during festival season of the city or town and has been determined as such by the local authority on the recommendations of the Town Vending Committee;

(f) "Grievance Redressal Committee" means a committee constituted by the State Government under sub-section (1) of section 20 of the Act;

(g) "Heritage Market" means a market which has completed more than fifty years in one place where sellers and buyers have traditionally congregated for the sale and purchase of products or services and has been determined as such by the local authority on the recommendations of the Town Vending Committee;

(h) "holding capacity" means the maximum number of street vendors who can be accommodated in any vending zone and has been determined as such by the local authority on the recommendations of the Town Vending Committee;

(i) "local authority" means a Municipal Corporation or a Municipal Council or a Nagar Panchayat, [or the Cantonment Board a civil area committee appointed under section 47 of the Cantonment Act, 2006] as the case may be or such other body entitled to function as a local authority in any city or town to provide civic services and regulate street vending in that city or town;

(j) "mobile vendors" means street vendors who carry out vending Activities in designated area by moving from one place to another place vending their goods and services;

(k) "Municipal Commissioner" means the commissioner of the Municipal Corporation or of a Municipal council of a Nagara Panchayath of a City / Municipality in the State;

(l) "Municipal Committee" means a committee as prescribed under this rule – 6(i) to decide an appeal of a street vendor as per section 11 and section 20 of the Act;

(m) "natural market" means a market where sellers and buyers have traditionally congregated for the sale and purchase of products or services and has been determined as such by the local authority on the recommendations of the Town Vending Committee;

(n) "niche market" means a market where sellers and buyers have traditionally congregated for the sale and purchase of niche products or services and has been determined as such by the local authority on the recommendations of the Town Vending Committee;

(o) "night bazaar" means a bazaar where sellers and buyers have traditionally congregated for the sale and purchase of products or services after evening i.e. during night and has been determined as such by the local authority on the recommendations of the Town Vending Committee;

(p) "notification" means a notification published in the Official Gazette and the term "notify" shall be construed accordingly;

(q) "Plan" means the Plan made under First Schedule of section 21 of the Act;

(r) "planning authority" means an Urban Development Authority or any other authority in any city or town designated by the appropriate Government as responsible for regulating the land use by defining the precise extent of areas for any particular activity in the master plan or development plan or zonal plan or layout plan or any other spatial plan which is legally enforceable under the applicable Town and Country Planning Act or the Urban Development Act or the Municipal Act, as the case may be;

(s) "public purpose" includes in the context of the Act (i) widening of roads, streets, lanes; (ii) shifting the alignment of roads, streets, lanes; (iii) erecting of flyovers with or without clover leaves and slip down roads; (iv) erecting underpasses; (v) development of land owned by public authorities for some public projects; (vi) laying of water, storm water or sewer lines; (vii) erecting intermediate pumping stations for the services; (viii) any project related with public transport like BRTS, Metro, etc; (ix) erection of Economically Weaker Section (EWS) Housing; (x) Creation of Parks, Gardens and Recreational Area; (xi) Conservation of any eco system resource in that area and (xii) Any other developmental work taken by the local authority, the beneficiary of which will be the community at large.

(t) "Scheme" means the Scheme made under Second Schedule of section 38 of the Act;

(u) "seasonal market" means a market where sellers and buyers have traditionally congregated for the sale and purchase of products or services during specific seasons and has been determined as such by the local authority on the recommendations of the Town Vending Committee;

(v) "Section" means section of the Act;

(w) "stationary vendors" means street vendors who carry out vending Activities on regular basis at a specific location;

(x) "street vendor" means a person engaged in vending of articles, goods, wares, food items or merchandise of everyday use or offering services to the general public, in a street, lane, side walk, footpath, pavement, public park or any other public place or private area, from a temporary built up structure or by moving from place to place and includes hawker, peddler, squatter and all other synonymous terms which may

be local or region specific; and the words "street vending" with their grammatical variations and cognate expressions, shall be construed accordingly;

(y) "Town Vending Committee" means the body constituted by the appropriate Government under section 22 of the Act;

(z) "vending zone" means an area or a place or a location designated as such by the local authority, on the recommendations of the Town Vending Committee, for the specific use by street vendors for street vending and includes footpath, side walk, pavement, embankment, portions of a street, waiting area for public or any such place considered suitable for vending Activities and providing services to the general public.

(aa) "weekly market" means a market where sellers and buyers have weekly congregated for the sale and purchase of products or services and has been determined as such by the local authority on the recommendations of the Town Vending Committee;

(2) Words and expressions defined in the Act and used in these Rules shall have the same meanings as respectively assigned to them in the Act.

3. REGULATION OF STREET VENDOR

(1) The minimum age for street vendor for street vending –

Minimum age for street vendor shall be 18 years. It is preferable to have the main person conducting the street vending to be minimum 18 years of age, as it is appropriate as per Indian Contract Act. The regulation of street vendor is to be planned by identifying them properly through survey, online updating of data, issuing of identity card & vending certificate and issuing them by entering all primary details in a register and obtaining acknowledgement of the receipt of identity card and vending certificate. Before issuing of the same, the Municipal Commissioner should ensure the collection of registration fees and allotment of vending zone; which are essential.

(2). The Identity card and vending certificate are to be issued separately for residents and non-residents. For ascertaining residence, furnishing of Ration card or Voter card or Aadhar card is mandatory and the same is to be uploaded in the online software provided for the purpose. For consideration of non-residents their documents like Ration card or Voter card or Aadhar card are to be collected and furnished the same in the online software. Residential street vendors are to be considered for all schemes under financial, skill and social inclusion.

(3). **Street Vendor Charter (sec.26.):**

Every Town Vending Committee shall publish the street vendor's charter specifying the time within which the certificate of vending shall be issued to a street vendor and the time within which such certificate of vending shall be renewed and other activities to be performed within the time limit specified therein as per section 26 of the Act.

(4). Prevention of harassment of Street Vendors (Section 27)

Notwithstanding anything contained in any other law for the time being in force, no street vendor who carries on the street vending activities in accordance with the terms and conditions of his certificate of vending shall be prevented from exercising such rights by any person or police or any other authority exercising powers under any other law for the time being in force as per section 27 of the Act 2014.

(5). Penal Provisions (Section 28)

If any street vendor, who indulges in vending activities without a certificate of vending; who contravenes the terms of certificate of vending; or who contravenes any other terms and conditions specified for the purpose of regulating street vending under this Act or any rules or schemes made thereunder, he shall be liable to a penalty for each such offence which shall extend up to rupees two thousand only.

(6). Not to be construed ownership (Section 29)

Nothing contained in this Act shall be construed as conferring upon a street vendor any temporary, permanent or perpetual right of carrying out vending activities in the vending zones allotted to him or in respect of any place on which he carries on such vending activity as per section 29 of the Act.

(7). Manner of relocating street vendor:

There is a need for regulation of street vending by way of designated 'Restriction-free Vending', 'Restricted Vending' and 'No Vending' Zones based on certain objective principles. Such regulation is consistent with the imperative to ensure free flow of traffic, smooth movement of pedestrians and maintenance of cleanliness and public hygiene while facilitating vendors / hawkers to sell goods / services at convenient locations frequented by the public. During the process some times, relocation of street vendor is essential but by following the systematic procedure such as issue of notice, hearing to street vendor and relocating him in the same area like adjacent streets or wherever the street vendor can be conveniently relocated.

(8). Principles of relocation subject to the following:

(i) relocation should be avoided as far as possible, unless there is clear and urgent need for the land in question;

(ii) relocation can be taken up by ULB in road widening, traffic improvements and in providing public amenities. Relocation can also be done at the times of public inconvenience and in the event of creation or improvement of infrastructure.

(iii) affected vendors or their representatives shall be involved in planning and implementation of the rehabilitation project;

(iv) affected vendors shall be relocated so as to improve their livelihoods and standards of living or at least to restore them, in real terms to pre-evicted levels. The TVC upon discussion with the representatives of the markets, accordingly take the decision on relocation. Mutually agreed place for relocation should be considered under the implementation of the rehabilitation program.

(v) livelihood opportunities created by new infrastructure development projects shall accommodate the displaced vendors so that they can make use of the livelihood opportunities created by the new infrastructure; The street vendors should be provided with space in the areas where there are malls, metros and buildings being constructed.

(vi) loss of assets shall be avoided and in case of any loss, it shall be compensated;

(vii) any transfer of title or other interest in land shall not affect the rights of street vendors on such land, and any relocation consequent upon such a transfer shall be done in accordance with the provisions of this Act;

(viii) state machinery shall take comprehensive measures to check and control the practice of forced evictions;

(ix) natural markets where street vendors have conducted business for over fifty years shall be declared as heritage markets, and the street vendors in such markets shall not be relocated. The municipal body shall prepare a list of such markets and declare them as "Heritage Markets". The Municipal bodies in collaboration with the tourism department shall promote such markets as tourist markets.

(9). Manner of evicting a street vendor:

(1) The local authority may, on the recommendations of the Town Vending Committee, declare a zone or part of it to be a no-vending zone for any public purpose and relocate the street vendors vending in that area, duly following 30 days notice, hearing to street vendor to be relocated and showing him a alternative place, where his / her livelihood will get protected.

(2) The local authority shall evict such street vendor whose certificate of vending has been cancelled under section 10 of the Act or who does not have a certificate of vending and vends without such certificate, after hearing to street vendor and vendor is without vending certificate, is to be done necessary registration is to be done duly following the procedure and collection of registration charges.

(3) No street vendor shall be relocated or evicted by the local authority from the place specified in the certificate of vending unless he has been given thirty days' notice for the same.

(4) A street vendor shall be relocated or evicted by the local authority physically, only after he had failed to vacate the place specified in the certificate of vending, after the expiry of the period specified in the notice. However the relocation is to be done, where the livelihood of vendor shall not effect.

(5) Every street vendor who fails to relocate or vacate the place specified in the certificate of vending, after the expiry of the period specified in the notice, shall be liable to pay for every day of such default, a penalty which may extend up to two hundred and fifty rupees, as may be determined by the local authority, but shall not be more than the value of goods seized.

(10). Manner of giving notice for eviction:

30 days Notice is to be served to street vendor for relocation or eviction either at his / her vending place or at his / her residence mentioned in the certificate Format for issuing notice is in annexure.'

(11). Manner of evicting a street vendor physically on failure to evict:

The Town Vending Committee shall follow due procedure, while making eviction after serving 30 days notice and hearing. Any eviction is to be done by appointing a eviction officer and intimating the same to the nearest police station before eviction is made.

(12). Manner of seizure of goods:

If the street vendor fails to vacate the place specified in the certificate of vending , after the lapse of the period specified in the notice given under sub-section (3) of section 18 of the Act, the local authority, in addition to evicting the street vendor under section 18 of the Act, may, if it deems necessary, seize the goods of such street vendor duly appointing a officer for the purpose. The officer so appointed has to inform the police about the seizure and to seek the assistance of police if required.

Provided that where any such seizure is carried out, a list of goods seized shall be prepared and a copy thereof, duly signed by the person authorised to seize the goods, shall be issued to the street vendor.

(13). Manner of reclaiming seized goods:

The street vendor whose goods have been seized under Act, shall reclaim his goods in such manner, and after paying such fees of Rs. 500 but not more than the worth of goods seized.

Provided that in case of non-perishable goods, the local authority shall release the goods within two working days of the claim being made by the street vendor, and in case of perishable goods the local authority shall release the goods on the same day of the claim being made by the street vendor.

4. TOWN VENDING COMMITTEE

(1). Constitution of Town Vending Committee-

(i) In each local authority, the appropriate Government will constitute Town Vending committee with following members:

All Municipalities except Municipal Corporations and Mission Cities : (One Chairman 10 members)

S.No.	Title	Status	Number	Permanent / Rotation
1	2	3	4	5
1	Municipal Commissioner	Chairman	1	Permanent
2	Medical officer/Planning officer	Member	1	Permanent
3	Town Project Officer/ Town Mission Coordinator	Convenor	1	Permanent
4	Police Officer (Traffic)	Member	1	Permanent
5	Banker/ Insurance Agency	Member	1	Permanent
6	Street Vendors of different businesses	Members	4	Rotation
7	Elected member of the local authority	Member	1	Rotation
8	Representative of Non-Government Organization / Community Based Organization	Members	1	Rotation

Municipal Corporations: (One Chairman 15 members)

S.No.	Title	Status	Number	Permanent / Rotation
1	2	3	4	5
1	Municipal Commissioner	Chairman	1	Permanent
2	Medical officer/Planning officer	Member	1	Permanent
3	Town Project Officer/ Town Mission Coordinator	Convenor	1	Permanent
4	Police Officer (Traffic)	Member	1	Permanent
5	Banker	Member	1	Permanent
6	Representative of Insurance Agency	Member	1	Permanent
7	Street Vendors of different	Members	6	Rotation

	businesses			
8	Elected member of the local authority	Member	2	Rotation
9	Representative of Non-Government Organization	Member	1	Rotation
10	Representative of Community Based Organization	Member	1	Rotation

Mission Cities: (One Chairman 15 members)

S.No.	Title	Status	Number	Permanent / Rotation
1	2	3	4	5
1	Municipal Commissioner	Chairman	1	Permanent
2	Medical Officer	Member	1	Permanent
3	Planning Officer	Member	1	Permanent
4	Town Project Officer/ Town Mission Coordinator	Convenor	1	Permanent
5	Police Officer (Traffic)	Member	1	Permanent
6	Banker	Member	1	Permanent
7	Advocate	Member	1	Permanent
8	Representative of Insurance Agency	Member	1	Permanent
9	Street Vendors of different businesses	Members	7	Rotation
10	Elected member of the local authority	Member	2	Rotation
11	Representative of Non-Government Organization	Member	1	Rotation
12	Representative of Community Based Organization	Member	1	Rotation

(ii) The official members of Town Vending Committees shall be nominated by the appropriate Government by designation.

(iii) Non official members shall be elected / selected as per the procedure shown in rule 4(2) and subsequently they shall be nominated by the appropriate Government.

(iv) Only in Mission Cities, if need be, more zonal vending committee can be constituted by the local authority with the approval of the appropriate Government. In such case Deputy / Joint / Additional Municipal Commissioner of that area shall be a chairperson of the Town Vending Committee and all other members shown above shall be from that area only

(2). Mode of electing / selecting Non Official members –

(1) Elected members of the local authority will be decided by the latter in its general Council.

(2) The local authority by resolution may decide, with the approval of appropriate Government, for the mode of selecting/nominating the members from the Street Vender Associations, Market and Trade Associations, NGO, CBO, RWA etc. by following one of the two procedures:

(a). Full-fledged ballot based election

In case it is decided to go for a ballot based election for the non-official members of the Town Vending Committee, the institution wise election shall be conducted by the collector or his representatives. Following the steps usually adopted for the election of the local authority representatives.

(b). Selection by lot following a transparent procedure.

(i). The local authority shall publish a notice calling for applications for membership of Town Vending Committee, on its website and in any three prominent local newspapers published in the local language of the area. A copy of the notice shall also be put up in any conspicuous place in the local market or markets under the jurisdiction of the local authority.

(ii). The aforesaid notice shall contain, amongst other things, the date of publication of notice, prescribed form for the application, the last date for submission and the manner of submission of the application.

(iii). The aforesaid notice shall be published thirty days prior to the last date for the submission of applications for membership of Town Vending Committee.

(iv) Any person, being a member of any association of street vendors, the market association, the traders association, non-governmental organization and community based organization and resident welfare organization may apply for membership of Town Vending Committee.

(v) The local authority shall seek information, with respect to, particulars of the applicant and details of work experience, particularly in the area of informal market or markets and street vending within the jurisdiction of the local authority and such other information as it may deems fit.

(vi) On submission of the application form, the local authority shall allot each a unique application number and communicate to all the applicants.

(vii) If application received for a particular category is more than the required numbers, the local authority shall select the member on the basis of lottery. Such lottery should be held in the presence of the interested parties.

(c) The lead bank concerned shall nominate a suitable member for the Town Vending Committee.

(d) The local authority shall publish the aforesaid information and also the list of nominated members of Town Vending Committees on its website, within thirty days from the last date for submission of application forms for members of Town Vending Committees.

(e) The formation of the Town Vending Committee including the elected members should be published in the government gazette by the appropriate government.

(3) Duration of Town Vending Committee:-

Term of a Town Vending Committee constituted under section 22 of the Act shall be for (three) years from the date of its constitution provided it is not dissolved by the appropriate Government as per rule 4(4). However, the process of constituting a Town Vending Committee shall be completed either before the expiry of its term or before the expiry of a period of six months from the date of dissolution.

(4) Dissolution of Town Vending Committee:-

If in the opinion of the appropriate Government, a Town Vending Committee persistently makes defaults in the performance of its imposed on it under the Act and these rules or exceeds or abuses its powers, the appropriate Government may, by order, dissolve such Town Vending Committee and constitute a fresh Town Vending Committee.

(5) Method of filling vacant post:-

Method of filling in vacant seat due to resignation, death, removal or any other reason by following the procedure laid out in the rule 4(2) shall be followed.

Explanation – There is no bar to re-election Change of the seating member after two consecutive periods will be desirable, however he can be continued if there is no response to the fresh advertisement and further the seating candidate has no objection to continue. In case of no response from any fresh candidate and unwillingness of the existing member to continue, the government can nominate a suitable candidate of the group represented by the existing incumbent.

(6) Office procedure for Town Vending Committee :-

(a) In the first meeting, Town Vending Committee shall decide various procedural points relating to the conduct of its business, the details of which are listed hereafter.

(i) Time and Venue of the meeting shall be decided by the Chairperson.

(ii) Member Convenor shall issue the notice before Seven days of scheduled meeting.

Explanation – agenda of items may be circulated to the members and put up on official designated website. Each agenda item should be accompanied by a detailed note bringing out the issues involved with clear recommendation by the administration. The agenda papers including the notes should be in the local language.

(iii) Quorum shall be Minimum ($2/3^{rd}$) member of total strength of the Town Vending Committee.

Explanation – The rationale for suggesting quorum consisting of $2/3^{rd}$ of the membership is to ensure that no decision is taken with a comparatively lower number of members. The organization of street vending activity under the statute is first of its kind and there is an imperative need to secure the concurrence of the maximum number of members of the Town Vending Committees.

(iv). Decision will be based on the majority of present members.

(v). No meeting will be carried on in the absence of the quorum (ie., 50% + One members) and meeting will be adjourned if quorum is not satisfied.

(vi). Minutes of the meeting will be signed by the chairperson and would be put up in the subsequent meeting of the Town Vending Committee for confirmation.

(vii). Minutes of the meeting should be placed on the local body website or Town Vending Committee may decide to have its own website.

(viii). Meeting of the committee should be held at least once in a month.

(ix). Requisition meeting can be called by only chairperson on a specific issue on the request of minimum ($1/3^{rd}$) of the total members of Town Vending Committee. It has to be called within (72) hours after receiving the request for the same from the required number of members.

(x). The first meeting of the Town Vending Committee will be fixed within 15 days of the publication of the gazette notification.

(7). Leave of absence and disqualification of members :-

Leave of absence and disqualification of the members shall be decided by Town Vending Committee in following manner –

(a). Member can remain absent in case of urgency with the approval of the chairperson.

(b). When a member remains absent for three consecutive meetings without permission, Chairperson shall issue a show cause notice to the member asking him / her to explain the reasons for his / her absence within 2 weeks. If the member submits satisfactory reasons for absence he will be continued with warning but if fails to give any satisfactory reason or doesn't reply to the show cause notice then his / her membership will be terminated from the committee.

(c). Any member convicted in any criminal case or makes persistent default in his / her duties shall loose the membership of the Town Vending Committee.

(d). Any member found guilty of violating any provision of the Act shall loose the member of the Town Vending Committee.

(e). Concern member can appeal to the appropriate Government against Town Vending Committee decision and the decision of the appropriate Government will be final after giving proper hearing to both the parties.

(8). Status paper and vending scenario shall be put up by the local authority:-

After the procedural details are finalized by the Town Vending Committee, and before it takes up the regular business, the local authority concerned should circulate a status paper of the street vending scenario in the city or town amongst the members of the Town Vending Committee concerned containing the following details:-

(i). Areas of street vending in the city / town indicated in the maps.
(ii). The number of street vendors in the city / town in case a survey has already been conducted, otherwise indication can be given about the approximate numbers.
(iii). Information should be given about the high footfall areas, learn footfall areas and mid-range areas from the street vending angle.
(iv). Areas of seasonal vending, areas of niche market, areas of night bazaars, the likely high footfall places in the areas under development.
(v). Broad categories of articles sold.
(vi). Problem areas from the traffic angle.
(vii). Enumeration of the relevant provisions of the food adulteration Act.
(viii). Enumerations of health and hygiene aspects need to be taken care of by the street vendors.

Explanation – Caution should be taken to ensure that the data presented are authentic to the extent possible and up to date. This will virtually form the base level data facilitate the Town Vending Committee taking informed decisions. These

databases can be presented in the digital form if so desired by the Town Vending Committee.

(9). Functions of Town Vending Committee:-

Without prejudice to any other provisions of the Act, a Town Vending Committee shall performed following functions:-

(i). To conduct surveys for street vending and final decision about vending zones along with their holding capacity as worked out by the local authority as per the scheme framed under section 38 of the Act.

Explanation – For deciding the vending zones, the Town Vending Committee will have the base materials / data from the local authority. The Bye-Laws (Regulations) and the planning will identify the vending zones.

(ii). In case the Town Vending Committee has got any points to be made about the zoning or about the area to be allotted to each individual vendor it may draw the attention of the planning and local authority to suitably modify the plan. After obtaining the opinion of the authority, the Town Vending Committee shall take an appropriate decision.

(iii). While making recommendations and suggesting changes about the vending zones the Town Vending Committee will have to take into consideration the road width, traffic flow and the pedestrian movement in the area concerned.

(iv). Issuing, withholding, suspending and cancelling of the vending certificate.

(v). Getting the social audit initiated on the implementation of Act.

(vi). On the recommendation of the local authority, Town Vending Committee will declare the Natural market, Weekly market, Heritage market, Festive market, Seasonal market, Night bazaar and Niche market with their exact location and specific period in case of Seasonal market or Festive market. In case, new such markets are evolving, the Town Vending Committee should get the necessary survey carried on of the area and such other aspects as it deems necessary and declare he place a market, of any of the earlier mentioned category, depending on the situation.

(vii). To furnish from time to time to the appropriate Government such returns as may be prescribed under the Act and these Rules.

(viii). To provide comments to the appropriate Government for undertaking promotional measures of making available credit, insurance and other welfare schemes of social security for the street vendors.

(ix). To raise awareness people of role of street vendors in the economy.

(10). Smaller committees for specific issue:-

The Town Vending Committee can decide to form a smaller committees consisting of its members to examine and come up with suggestion on any specific issue which might crop up in this context from time to time.

(11). The allowances to chairperson and members :-

No sitting fee is required to be paid to Chairman and other public representatives, Government officials etc.,. However, members of Street Vendors / Associations / Members of NGOs / CBOs will be paid sitting fee of Rs. 100/- and this expenditure shall be met from the general funds of ULB.

(12). The manner and the purpose for which a person may be associated :-

Town Vending Committee can associate any known expert in the field of informal economy including street vending / spatial planning issues for taking a view on matters relating to street vending. Such an expert will have the right to take part in the discussions but cannot take part in the voting. He will be paid the honorarium as decided by the Chairperson.

(13). The other employees of Town Vending Committee :-

Town Vending Committee should have its permanent office in the space allotted by the local authority. Local authority will provide adequate staff as requested by the Town Vending Committee but no permanent burden should be created by the Town Vending Committee on account of the establishment cost.

5. DISPUTE REDRESSAL SYSTEM

(1). Constitution Dispute Redressal System:-

There shall be a Grievance Redressal Committees (GRCs) in the State for each local authority in the following manner:-

(i) States having defined regions / divisions, the regional / divisional headquarters shall be the seat of Grievance Redressal Committees, elsewhere the State Government shall decide the seating place of Grievance Redressal Committees clubbing three or four nearby districts and selecting such site having the best connectivity.

(ii) The aggrieved street vendor has to file his/her grievance in that Grievance Redressal Committee in which his/her local authority area falls.

(iii) Government shall appoint a retired civil judge or a retired judicial magistrate as a chairperson of a Grievance Redressal Committee. A retired Deputy Municipal Commissioner of a Municipal Corporation or retired Chief Executive Officer of Municipality in the region may be appointed as second member of the committee whereas a prominent social worker, preferably having experience in the field of informal economy including street vending in the same region may be appointed as the other member of the committee by the appropriate government.

(iv) The tenure of Grievance Redressal Committee will be for a period of (three) year or till such time as government appoints a new committee.

(v) Every street vendor who has a grievance or dispute shall make an application in writing to the committee constituted to such form annexed and submit the same along with non judicial stamps worth of Rs.50.

(vi) On receipt of grievance or dispute, the Grievance Redressal Committee shall, after verification and enquiry in such manner within (10) days from the date of application, take steps for redressal of such grievance or resolution of such dispute.

(vii) Any person who is aggrieved by the decision of the committee may prefer an appeal to the local authority in such form annexed, within 15 days from the date decision along affixing with Rs.100 non-judicial stamps.

(viii) The local authority shall dispose of the appeal received within (15) days from the date of receipt of appeal by conducting due verification and enquiry. Provided that the local authority shall, before disposing of the the appeal, give an opportunity of being heard to the aggrieved person.

(2) The form and the manner of making application :-

(i) Every Street Vendor who has a grievance under the Act, except specified in section 11, may file an application in writing in Form - A, himself or through his affiliated Union, specifying his/her name, place of residence and details of the grievance.

(ii) Application shall have to be filed by a street vendor within 30 days from the date of occurrence of any incident causing the grievance.

(3) The manner of verification and enquiry on receipt of grievance or dispute, the time within which and the manner in which steps for redressal of grievances and resolution of disputes may be taken.

(i) The street vendor may pray for interim relief during the pendency of the application. On receipt of an application, the Committee shall hold a preliminary hearing with the applicant to determine whether there is a prima facie case.

(ii) The result of the preliminary hearing shall be pronounced at the conclusion of the hearing and recorded in writing. the Committee may grant or refuse the interim relief, if any, prayed by the street vendor, with reasons recorded in writing.

(iii) the aforesaid order shall be communicated to the street vendor and where it is held that there is a prime facie case, a notice shall also be issued to the appropriate authority containing the details of the grievance.

(iv) the appropriate authority shall file a written reply within four weeks from the date of receipt of the notice. A copy of the reply shall also be furnished to the street vendor, free of cost.

(v) the street vendor may file a reply to the aforesaid written reply within a period of two weeks from the date of receipt of the written reply.

(vi) The Committee will give personal hearing to both parties and shall pass an order in writing, with reasons for taking the decision within one month.

6. APPEALS

(1) Municipal Committee to hear appeal :-

Municipal Committee of three member presided by the Mayor / President shall be constituted by the local authority in the general board meeting to work as appellate authority to resolve the appeal of the street vendor under section 11 and 20 of the Act.

(2) Appeals against Town Vending Committee :-

An applicant, who is aggrieved by any decision of the Town Vending Committee with respect to issue of certificate of vending or cancellation or suspension of certificate, may appeal to the Municipal Committee constituted by the local authority concerned within (1) month of the decision of the Town Vending Committee in the prescribed Form – B. The Municipal Committee shall have to dispose his/her appeal within (1) month from the application date either by rejecting or accepting it with a speaking order on applicant's representation after giving him a personal hearing.

(3) Appeals against Grievance Redressal Committee :-

(i) Any person aggrieved by the aforesaid order, may file an appeal in writing to the Municipal Committee of the local authority concerned. Such appeal shall contain the name, age and address of the aggrieved person, details of the order issued by

the Committee and grounds for appeal in Form-C. The appeal shall be accompanied by the a copy of the order and a copy of the vending certificate of the street vendor, if issued.

(ii) No appeal shall be filed later than (30) days from the date of the order of the Grievance Redressal Committee.

(iii) On receipt of the appeal, the Municipal Committee of the local authority shall issue a notice to the parties concerned intimating the date and time of hearing.

(iv) The parties shall appear before the Municipal Committee on the date appointed for hearing, which shall not be later than (30) days from the date of filing of appeal.

(v) the Municipal Committee shall pronounce its order after giving both parties an opportunity of being heard within (30) days.

7. MISCELLANEOUS

(1) **The manner of maintaining up to date record of all street vendors under** :-

(i) Paper Records of the Town Vending Committee shall be maintained by its secretariat in the place allotted by the local body and the soft copy should also be suitably maintained. All decision taken by the Town Vending Committee shall be placed on designated website.

(ii) The records relating to the allotment of the space to the street vendors shall be kept for (10) years. Other records may be preserved for a period of (5) years unless those are needed for any legal proceedings.

(iii) The street / road plan with the existing site of the street vending shall be permanent record with the Town Vending Committee.

(2) The manner of publishing summary of scheme :-

The section 38 of the Act envisages formation of various schemes to facilitate street vendors and street vending. The Town Vending Committee shall have to got it prepared such schemes by the local authority and ensure to publish the summary of those schemes in the three local newspapers and shall also be uploaded on official website of Town Vending Committee after the State Government publishes the notification specifying the schemes. Publications of the Schemes have to be made within seven days from the date of its notification by the State Government.

(3) To furnish the returns to appropriate Government -

Every Town Vending Committee will furnish the require details as prescribed in Form – D to the appropriate Government as returns periodically.

(4) The annual Report –

Annual report shall be prepared within 3 months after the completion of the financial year and should be uploaded on the designated website.

R. KARIKAL VALAVEN,
Principal Secretary to Government.

FORM – A

(See rule 5(2)

APPLICATION TO THE GRIEVANCE REDRESSAL COMMITTEE BY THE AGGRIVED STREET VENDOR

1. Name of applicant :
2. Address for correspondence :
3. ID number given by local authority (if issued) :
4. Date of issue of certificate for vending :
5. Place / location of vending :
6. Zone / Ward of vending :
7. Nature of vending :

i. Mobile :

ii. Stationary:

iii. Any other (Please specify)

8. Grievance against which authority :
9. Details of Grievance (Give full details) :
10. Documents supporting Grievance :

I, ______________________________ , the applicant, do hereby solemnly declare that what is stated above is true to the best of my information and knowledge.

Place:

Date : Signature of applicant

Note: Please attach all the relevant documents with the application.

If required, to give full details of grievance, separate pages may be attached.

FORM – B
(See rule 6(2)

APPEAL TO THE LOCAL AUTHORITY AGAINST THE DECISION OF THE TOWN VENDING COMMITTEE BY THE AGGRIVED STREET VENDOR

1. Name of applicant :
2. Address for correspondence :
3. ID number given by local authority (if issued) :
4. Date of issue of certificate for vending :
5. Place / location of vending :
6. Zone / Ward of vending :
7. Nature of vending :
8. Mobile :
9. Stationary :
10. Any other (Please specify) :
11. Order of Town Vending Committee against which this appeal :
12. Rejection of Vending certificate :
13. Cancellation of Vending certificate :
14. Suspension of Vending certificate :
15. Details and ground of Appeal (Give full details) :
16. Documents supporting Appeal :
17.
18. I, ____, the applicant, do hereby solemnly declare that what is stated above is true to the best of my information and knowledge.

Place:

Date: Signature of applicant

Note: Please attach all the relevant documents including order of Town Vending Committee with the application. If required, to give full reasoning of appeal, separate pages may be attached.

FORM – C

(See rule 6 (3)

APPEAL TO THE LOCAL AUTHORITY AGAINST THE DECISION OF THE GRIEVANCE REDRESSAL COMMITTEE BY THE AGGRIVED STREET VENDOR

1. Name of applicant :
2. Address for correspondence :
3. ID number given by local authority (if issued) :
4. Date of issue of certificate for vending :
5. Place / location of vending :
6. Zone / Ward of vending :
7. Nature of vending :

i. Mobile :

ii. Stationary :

iii. Any other (Please specify) :

8. Decision of Grievance Redressal Committee against which appeal is filed:
9. Details and ground of Appeal (Give full details) :
10. Documents supporting Appeal :

I, ____, the applicant, do hereby solemnly declare that what is stated above is true to the best of my information and knowledge.

Place:

Date: Signature of applicant

Note: Please attach all the relevant documents including order of Grievance Redressal Committee with the application.

If required, to give full reasoning of appeal, separate pages may be attached.

FORM – D
(See rule 7 (3)

PERIODICAL DETAILS TO BE FURNISHED TO THE GOVERNMENT

____________________ (Municipal Corporation / Municipality / Nagar Panchayat / Cantonment Board) hereby submit following details as per the rule 25 of the Act for quarter ending ________________ (March / June / September / December), 20__.

A. Details of certificates issued, rejected, cancelled and suspended

Details	Applications	Accepted/Issued	Rejected	Cancelled	Suspended
Pending at the beginning					
Newly received					
Total					
Cleared during this quarter					
Pending at the end of quarter					

Mission Director

MEPMA.

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